

GOVERNMENT OF ANDHRAPRADESH
ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Allegation of acquisition of assets disproportionate to the known sources of his income against Sri G. Appa Rao, the then Commercial Tax Officer, Tenali, Guntur District (Now Retired) – Charge sheet filed in the Hon'ble Court of III Additional District & Sessions Judge for Anti Corruption Bureau Cases, Visakhapatnam on 28.02.2011 – Accused Officer placed on his defence before the Tribunal for Disciplinary Proceedings in respect of Disproportionate Assets case- Departmental action for violation of Conduct rules has also been initiated – Regular enquiry conducted - Further action Dropped– Orders - Issued.

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REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.1100

Dated:15-11-2016.

Read the following:-

- Ref:-
- 1.From the Director General, Anti Corruption Bureau, Rc.No.55/RCA- VSK/2006,dated: 27-06-2006, (Preliminary Report).
 2. Govt Memo No.27854/Vig.II(3)/2006- , Dated:12-07-2006.
 3. From the DG,ACB, Rc.No.55/RCA-VSK/2006-1,dated:06-11-2008, (Final Report).
 4. Govt Memo No.28754/Vig.I(1)/2006, Dated.19.08.2009.
 - 5.Commissioner of Commercial Taxes Memo.No.V1/317/2006, dated.23-10-2009.
 6. G.O.Ms.No.95, Rev(Vig-II) Dept., Dated:14.02.2011.
 7. Orders of the Hon'ble APAT, Dated.25.04.2011 in OA No.2325 of 2011.
 8. Commissioner of Commercial Taxes's Memo No. V1/317/2006, dt.26-05-2011.
 9. Explanation of the Charged Officer, Dt.15.08.2011.
 - 10.Commissioner of Commercial Taxes's Proc No.V1/317/2016, Dt.13.10.2012(Appt of EO).
 - 11.Rc.No.829/2009/A7,Dt.2509.2014 of the Deputy Commissioner, Commercial Tax, VSKP(IR).
 - 12.G.O.Ms.No.422, Rev(Vig.II) Dept, Dt.03.09.2016.
 - 13.Orders of the Hon'ble High Court, Dated:29.09.2014 in W.P.No.25477/2010.
 - 14.Representation of Sri G.Appa Rao, Commercial Tax Officer(Retired), dated: 26.11.2015.

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ORDER:

Whereas, in the reference 1st read above, the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad has submitted preliminary report stating that on credible information that Sri Gedela Apparao, S/o late Markendeyulu Commercial Tax Officer, Tenali-1, Guntur District, amassed wealth by illegal and dubious means and thereby acquired assets disproportionate to his known sources of income in his name and in the name of his wife, children and others, therefore, a case in Cr.No.03/RC-ACB/VZM/2006 u/section 13(2) r/w 13(1)(e) of Prevention of Corruption Act,1988 has been registered on 16.03.2006 .

2. Whereas in the reference 3rd read above, the Director General, Anti Corruption Bureau has furnished the final report to the Government, stating that the charged officer could not give satisfactorily account for which lead to conclude that Sri Gedela Apparao acquired all assets by corrupt and dubious means and recommended for prosecution of the accused officer for amassing the

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disproportionate assets to the known sources of income besides departmental action for violation of Rule 9 (1) (2) & (7) of Andhra Pradesh Civil Services (Conduct) Rules, 1964. The Government, after examining the final report, accorded sanction for prosecution of Sri Gedela Apparao S/o late Markendeyulu Commercial Tax Office, Tenali-1, Guntur District vide reference 6th read above.

3. Whereas in the reference 13th read above, the Hon'ble High Court in its orders on W.P.No.25477/2014 filed by Sri Gedela Apparao, while disposing the Writ Petition permitted Sri Gedela Apparao to make fresh representation and directed that the respondent i.e., Government shall examine the same in the light of facts and take appropriate decision. While enclosing the court orders, the Sri Gedela Apparao has made a representation in the reference 14th read above explaining the facts of the case and requested the Government to drop further action.

4. The Government after detailed examination of the matter, have decided and ordered to entrust the case to Tribunal for disciplinary proceedings for inquiry instead of prosecution under Rule 3 Andhra Pradesh Civil Services (Disciplinary Proceedings) Rules, 1989 vide reference 12th read above, duly rescinding the orders issued in the reference 6th read above.

5. Whereas, in regard to the departmental action, the Government after examining the matter have requested the Commissioner of Commercial Taxes to initiate departmental action against Accused Officer for violation of Conduct Rule, vide memo 4th read above. Accordingly, the Commissioner of Commercial Taxes has initiated departmental action duly framing Article Of Charges against Charged Officer, vide proceedings 5th read above. The Accused Officer filed O.A.No.2325/2011 challenging the Charge Memo on the ground that in charge memo it is stated that the Accused Officer is liable for major penalty which is against to Andhra Pradesh Civil Services (CCA) Rules. The Hon'ble Tribunal has set aside the charge memo, vide its orders 7th read above. Further the Commissioner of Commercial Taxes has framed fresh charges against the Accused Officer vide reference 8th read above as follows:

Charge I: He failed to obtain prior permission from the competent authority for the purchase of immoveable properties i.e., sites, agricultural land, purchase of houses in his name and in the name of his wife and relatives at Visakhapatnam and Vizianagaram Districts respectively.

Charge II: He failed to submit his Annual Property Returns to the competent authority from the date of joining into service i.e., 14-10-1974 to 18-03-2006 except for the years 1988, 2000, 2003 and 2004 as contemplated under Andhra Pradesh Civil Services (Conduct) Rules, 1964.

6. WHEREAS, the charged officer has submitted his explanation denying the charges vide reference 9th read above. After examine the same, the Commissioner of Commercial Taxes has appointed the regular enquiry officer vide reference 10th read above for conducting regular enquiry. The Regular Enquiry Officer, has submitted the inquiry report, vide reference 11th read above, stating that in the instant case, there is no evidence found in the inquiry and the documentary evidence produced by Sri G. Appa Rao, the ingredients of the condition of Rule 9(1), (2) and (7) has been violated by the

Charged Officer, hence the charges framed against the accused officer are not held proved.

7. Government after detailed examination of the enquiry report, it has been decided to accept the findings of the Inquiring Authority and to drop further action in regard to departmental enquiry against the charged officer. Accordingly, Government hereby order to drop further action against the charged officer i.e., Sri G. Appa Rao, the then Commercial Tax Officer, Tenali, Guntur District (Now Retired) in respect of departmental action for violation of Conduct Rules 1964.

8. The Commissioner of Commercial Taxes shall take further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G. Appa Rao, the then Commercial Tax Officer, Tenali, Guntur
District (Now Retired)(through the Commissioner of Commercial
Taxes, AP, Vijayawada)
The Commissioner of Commercial Taxes, Andhra Pradesh,
Eedupugallu, Vijayawada

Copy to :

The Director General, Anti Corruption Bureau, Andhra Pradesh, Pundit
Nehru Bus Station, NTR Administrative Block, 2nd Floor,
Vijayawada.
The Secretary to the Vigilance Commissioner, Andhra Pradesh.
Vigilance Commission, Velagapudi.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER